

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

THE CLINCH COALITION, <i>et al.</i> ,)	Case No. 2:21-cv-0003-JPJ-PMS
)	
Plaintiffs,)	FEDERAL DEFENDANTS' NOTICE
)	
v.)	
)	
UNITED STATES FOREST SERVICE, <i>et al.</i> ,)	
)	
Federal Defendants,)	
)	
and)	
)	
AMERICAN LOGGERS COUNCIL, <i>et al.</i>)	
)	
Intervenor Defendants.)	
)	

Federal Defendants' Notice Regarding the Department of Agriculture's Interim Final Rule

Federal Defendants inform the Court that the U.S. Department Agriculture issued an interim final rule and request for public comment on the Department’s modified regulations implementing the National Environmental Policy Act (NEPA). 90 Fed. Reg. 29,632 (July 3, 2025). The interim final rule revises, moves and republishes, or removes portions of the Department’s existing NEPA implementing regulations, as well as adds new portions. *Id.* at 29,632. The interim final rule is relevant to this litigation in three ways.

First, the rule rescinds in full the Forest Service’s NEPA implementing regulations, 36 C.F.R. Part 220. 90 Fed. Reg. at 29,635. Second, the rule retains and relocates the three Forest Service categorical exclusions (CEs) that are the subject of this litigation. 90 Fed. Reg. at 29,635; *see* 7 C.F.R. §§ 1b.4(d)(28), (46), (47). Third, the rule adds and clarifies procedures for evaluating extraordinary circumstances if a CE applies to a proposed action. 90 Fed. Reg. at 29,636; *see* 7 C.F.R. §§ 1b.3(e), (f).

The following table provides citations to the rescinded regulations and interim final rule, if applicable, for topics relevant to this litigation:

Topic	Rescinded Regulations	Interim Final Rule
Applying CEs	36 C.F.R. § 220.6(a)	7 C.F.R. § 1b.3(e)
Extraordinary circumstances	36 C.F.R. § 220.6(b)	7 C.F.R. § 1b.3(f)
CEs that require a case file and decision memo	36 C.F.R. § 220.6(e)	7 C.F.R. § 1b.4(d)
Special Use CE	36 C.F.R. § 220.6(e)(3)	7 C.F.R. § 1b.4(d)(28)
Road CE	36 C.F.R. § 220.6(e)(24)	7 C.F.R. § 1b.4(d)(46)
Resilience CE	36 C.F.R. § 220.6(e)(25)	7 C.F.R. § 1b.4(d)(47)
Schedule of Proposed Actions	36 C.F.R. § 220.4(d)	N/A
Scoping	36 C.F.R. §§ 220.4(e), 220.6(c)	N/A

Respectfully submitted on this 16th day of July, 2025.

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